

REMARKS

Claim Amendments

Claims 29-75, drawn to non-elected subject matter, have been cancelled without prejudice herein.

Applicants have amended claims 1 and 81 to include the limitation of claim 6, i.e., that "the preformed substrate includes exposed fibers facing the distal ends and the step of applying the preformed substrate includes encapsulating said fibers with the resin of the distal ends."

Claim Rejections - 35 U.S.C. § 103

All but one of the pending rejections are moot in view of the amendments herein. The subject matter of claim 6 has only been rejected as unpatentable over Levitt in view of Heindel. Applicants respectfully submit that the subject matter of claim 6, now incorporated into claims 1 and 81, is patentable over this combination of references.

Applicants respectfully submit that the Examiner has not presented a case of prima facie obviousness, because one or more of the limitations of amended claims 1 and 81 is neither disclosed nor suggested by the art of record. Neither Levitt nor Heindel suggests embedding fibers in the resin of the distal ends, as claimed. Levitt does not disclose fibers or a fibrous substrate at all, nor is Levitt cited for such a disclosure. Nor does Levitt bond anything to the distal ends of his projections, as acknowledged by the Examiner.

The Examiner contends that "Heindel et al. disclose a thermal bonding method" by which the preformed substrate is adhered to the distal ends of the projection component. The Examiner refers to the abstract, col. 7, lines 6-10 and col. 7, line 47 - col. 8, line 38 in support of this assertion. Applicants respectfully disagree, and note that the Examiner appears to be misreading Heindel on this point.

The Examiner may be focusing on the sentence in Heindel that describes using heat to bond a backing material to the back side of the fastener (col. 7, lines 55-62.) In this sentence, Heindel is describing how a substrate 52 can be bonded to the base of the hook material with the stemlike projections facing away from the substrate 52, i.e., how the substrate can be bonded to

the back side of the hook material. Thus, Heindel is not disclosing using a thermal process to bond distal ends of the stems to the substrate.

Alternatively, the Examiner may be looking at the sentences at col. 8, lines 10-17, where Heindel describes how the hooks are releasably engaged with the substrate web 52 after the composite of the hook material 50 and substrate 52 is folded over on itself. In this section, Heindel states that the hooks are releasably engaged with the substrate web by passing the folded composite between a pair of rotatable nip rolls 62. The nip rolls 62 apply sufficient pressure to engage the hooks with the web, and thus are merely a substitute for the manual pressure that would be exerted by a user engaging the hook and loop components of a hook and loop fastener. There is no indication that the nip rolls are heated, nor would this be desirable, since Heindel's intention is to releasably engage the hooks with the substrate, not bond the two together.

Thus, because Heindel does not supply a teaching of a thermal process by which the preformed substrate is adhered to the distal ends of the projection component, much less a teaching of "encapsulating said fibers with the resin of the distal ends," the combination of Heindel with Levitt cannot render Applicants' claims obvious.

Conclusion

Applicants respectfully request that the rejections be withdrawn and all claims allowed.

It is believed that no fees are due with this submission. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-256001.

Respectfully submitted,

Date: December 13, 2007

/Celia H. Leber/
Celia H. Leber
Reg. No. 33,524

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Applicant : Luis Parellada et al.
Serial No. : 10/767,660
Filed : January 29, 2004
Page : 9 of 9

Attorney's Docket No.: 05918-256001 / VGCP No.
7000